



House of Representatives

File No. 582

General Assembly

February Session, 2002

(Reprint of File No. 57)

Substitute House Bill No. 5289
As Amended by House
Amendment Schedule "A"

Approved by the Legislative Commissioner
April 26, 2002

AN ACT CONCERNING THE USE OF AUTOMATIC INJECTABLES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 19a-79 of the general statutes, as
2 amended by section 48 of public act 01-4 of the June special session, is
3 repealed and the following is substituted in lieu thereof (*Effective*
4 *October 1, 2002*):

5 (a) The Commissioner of Public Health shall adopt regulations, in
6 accordance with the provisions of chapter 54, to carry out the purposes
7 of sections 19a-77 to 19a-80, inclusive, as amended, and 19a-82 to 19a-
8 87, inclusive, and to assure that child day care centers and group day
9 care homes shall meet the health, educational and social needs of
10 children utilizing such child day care centers and group day care
11 homes. Such regulations shall (1) specify that before being permitted to
12 attend any child day care center or group day care home, each child
13 shall be protected as age-appropriate by adequate immunization
14 against diphtheria, pertussis, tetanus, poliomyelitis, measles, mumps,
15 rubella, hemophilus influenzae type B and any other vaccine required

16 by the schedule of active immunization adopted pursuant to section
17 19a-7f, including appropriate exemptions for children for whom such
18 immunization is medically contraindicated and for children whose
19 parents object to such immunization on religious grounds, (2) specify
20 conditions under which child day care center directors and teachers
21 and group day care home providers may administer tests to monitor
22 glucose levels in a child with diagnosed diabetes mellitus, and
23 administer medicinal preparations, including controlled drugs
24 specified in the regulations by the commissioner, to a child receiving
25 child day care services at such child day care center or group day care
26 home pursuant to the written order of a physician licensed to practice
27 medicine or a dentist licensed to practice dental medicine in this or
28 another state, or an advanced practice registered nurse licensed to
29 prescribe in accordance with section 20-94a, or a physician assistant
30 licensed to prescribe in accordance with section 20-12d, and the written
31 authorization of a parent or guardian of such child, (3) specify that an
32 operator of a child day care center or group day care home, licensed
33 before January 1, 1986, or an operator who receives a license after
34 January 1, 1986, for a facility licensed prior to January 1, 1986, shall
35 provide a minimum of thirty square feet per child of total indoor
36 usable space, free of furniture except that needed for the children's
37 purposes, exclusive of toilet rooms, bathrooms, coatrooms, kitchens,
38 halls, isolation room or other rooms used for purposes other than the
39 activities of the children, (4) specify that a child day care center or
40 group day care home licensed after January 1, 1986, shall provide
41 thirty-five square feet per child of total indoor usable space, [and] (5)
42 establish appropriate child day care center staffing requirements for
43 employees certified in cardiopulmonary resuscitation by the American
44 Red Cross or the American Heart Association, (6) specify that on and
45 after January 1, 2003, a child day care center or group day care home
46 (A) shall not deny services to a child on the basis of a child's known or
47 suspected allergy or because a child has a prescription for an
48 automatic prefilled cartridge injector or similar automatic injectable
49 equipment used to treat an allergic reaction, (B) shall, within three
50 weeks of such child's enrollment in such a center or home, have staff

51 trained in the use of such equipment on-site during all hours when
52 such a child is on-site, (C) shall require such child's parent or guardian
53 to provide the injector or injectable equipment and a copy of the
54 prescription for such medication and injector or injectable equipment
55 upon enrollment of such child, and (D) shall require a parent or
56 guardian enrolling such a child to replace such medication and
57 equipment prior to its expiration date.

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Fund-Type	Agency Affected	FY 03 \$	FY 04 \$
General Fund - Cost	Agencies having on-site child day care programs	Potential Minimal	Potential Minimal

Municipal Impact:

Effect	Municipalities	FY 03 \$	FY 04 \$
STATE MANDATE - Cost	Municipalities with affiliated child day care programs	Potential Minimal	Potential Minimal

Explanation

It is anticipated that any resulting state or local costs associated with training child care staff in the use of automatic injectable devices will be minimal and can be absorbed within normally budgeted resources. Training courses can cost up to \$25 per person and must be repeated annually. (It should be noted that private providers operate most day care programs serving state or municipal agencies.)

The Department of Public Health will be able to adopt the required regulations within its anticipated budgetary resources.

House "A" changes the date by which child day care centers and group day care homes must comply with the bill's provisions from October 1, 2002 to January 1, 2003 and removes a requirement that the same regulatory change be imposed upon family day care homes. These changes do not materially affect the fiscal impact associated with the original bill.

OLR Amended Bill Analysis

sHB 5289 (as amended by House "A")*

AN ACT CONCERNING THE USE OF AUTOMATIC INJECTABLES**SUMMARY:**

This bill requires the public health commissioner to adopt regulations prohibiting child day care centers and group day care homes from denying services to a child because he has a known or suspected allergy or a prescription for an automatic prefilled cartridge injector or similar device that administers medication to treat an allergic reaction. The regulations must specify that, beginning January 1, 2003:

1. centers and homes, within three weeks of enrolling a child with such a condition or prescription, have staff trained to administer medication on site whenever the child is there;
2. the child's parent or guardian must provide the device and a copy of the prescription for the medication when the child is enrolled; and
3. the parent or guardian is responsible for ensuring the medication and device are replaced before the expiration date.

*House Amendment "A" eliminates the bill's application to family day care homes and makes it apply to services beginning January 1, 2003.

EFFECTIVE DATE: October 1, 2002

BACKGROUND***Medication Administration Regulations***

Department of Public Health regulations require directors, head teachers, program staff, and providers of day care centers and homes that accept children who require the administration of medication of any kind to be trained by a physician, physician assistant, or registered

or advanced practice nurse. They must receive special training to administer injectable medications. Their approval for injections must be validated annually and every three years for administering other medications.

Parents must give their written consent before a center or home staff can administer medication. The consent must be kept on file at the facility. The regulations also specify record keeping, storage, and labeling requirements (Conn. Agency Regs., 19a-79-9a and 87b-17).

Legislative History

The House referred this bill (File 57) to the Human Services, Appropriations, and Legislative Management committees on April 4, 10, and 17, respectively. All three committees reported the bill favorably.

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute
Yea 21 Nay 0

Human Services Committee

Joint Favorable Report
Yea 15 Nay 0

Appropriations Committee

Joint Favorable Report
Yea 51 Nay 0

Legislative Management Committee

Joint Favorable Report
Yea 18 Nay 0